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Edward Phillips
Attorney

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NCWKFR0313
111 Capital Blvd
Wake Forest, NC 27587-5900
Voice 919 554 7870
Fax 919 554 7913
edward.phillips@mail.sprint.com

T.R.A. DOCKET ROOM

January 20, 2005

Chairman Pat Miller
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

Re: Sprint United Tariff 2003-710 to Introduce Safe and Sound II Solution
Docket No. 03-00442

Dear Chairman Miller:

Please find enclosed an original and thirteen (13) copies of United Telephone-Southeast, Inc.'s Motion for Clarification in the above-referenced Tariff.

Please do not hesitate to contact me if you have any questions concerning this request.

Sincerely yours,

Edward Phillips

Enclosures

C: Laura Sykora
Kaye Odum
Parties of Record

CERTIFICATE

Safe and Sound II Solution Tariff (Docket No. 03-00442)

The undersigned hereby certifies that a copy of the foregoing was served on each of the following, by hand delivery, by overnight air express, or placing a copy of the same in the United States Mail postage prepaid and addressed as follows:

Guy M. Hicks
BellSouth Telecommunications, Inc.
333 Commerce St., Suite 2101
Nashville, TN 37201-3300

Vance Broemel
Office of the Tennessee Attorney General
P.O. Box 20207
Nashville, TN 37202

Henry Walker
Boult, Commings, Conners
1600 Division St., Suite 700
P. O. Box 340025
Nashville, TN 37203-0025

This 20th day of January, 2005



Edward Phillips

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:

SPRINT UNITED TARIFF 2003-710 TO
INTRODUCE SAFE AND SOUND II SOLUTION

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DOCKET NO.
03-00442

MOTION FOR CLARIFICATION

I. Introduction

On January 10, 2005, the Tennessee Regulatory Authority ("Authority") issued its *Order Denying Tariff as Filed* ("Order"). The Order, among other things granted the petition for leave to intervene filed on behalf of AT&T Communications of the South Central States, LLC ("AT&T"), and also denied Sprint United Tariff No. 2003-710 to introduce Safe and Sound II Solution as filed. Tariff No. 2003-710 was initially filed by United Telephone-Southeast, Inc. ("UTSE") on June 30, 2003, with an original effective date of July 30, 2003.

In its Order, the Authority sets forth its rationale for denying Tariff No. 2003-710 based upon resale requirements under 47 U.S.C.A. § 251(c)(4). The Order further states that the decision to deny the tariff was made at the Authority's December 15, 2003 Authority Conference. However, it appears from a reading of the transcript that the Directors did discuss whether the tariff should be approved, but there seems to be no clear indication of a vote denying the tariff. Rather, a review of the transcript indicates that the Authority was willing to provide an additional two weeks until December 29, 2003 for the parties to resolve the matter and then reconsider the tariff if agreement had been reached.

During this time period, UTSE acted consistently with its belief that the suspension period was extended. As a direct result of this understanding, counsel for UTSE had sent a letter to the Authority dated December 23, 2003 advising that UTSE was in fact withdrawing the tariff as filed. UTSE believed that this action withdrew the pending tariff from any further consideration by the Authority and that the only action required by the Authority would be an order granting the withdrawal of the tariff. Therefore, it is upon this understanding that UTSE requests clarification of the Order which denies a tariff that had been withdrawn prior to the end of the suspension period.

II. Background

After its initial filing on June 30, 2003, this tariff has a history of suspension and modification, which will be discussed in brief. On July 10, 2003, prior to the convening of a contested case, as a result of a request from the Authority Staff, the tariff was revised and was given a new effective date August 4, 2003. Thereafter, on July 14, 2003, UTSE filed its first position regarding the tariff. On July 24, 2003, UTSE made an additional filing revising its position on the tariff and any resale obligation. On August 4, 2003, UTSE voluntarily changed the effective date of the tariff to September 8, 2003. At its September 8, 2003 Authority Conference, the Directors assigned to this matter¹ voted to suspend UTSE's Safe and Sound tariff until September 22, 2003. On September 22nd the tariff was once again suspended until October 6, 2003.

At the October 6, 2003 Authority Conference, the Directors assigned to this matter voted to open a contested case and grant the intervention to the CAPD and BellSouth Telecommunications, Inc. for the purpose of addressing the legal issues in this matter. The tariff

¹ The panel of Directors assigned to vote on this matter was Director Pat Miller, Director Sara Kyle and Director Ron Jones

was further suspended until November 20, 2003. On October 22, 2003, UTSE again voluntarily agreed to suspend the tariff until November 24, 2003, so the Authority's schedule could be accommodated. During the intervening time, the parties filed their briefs on the legal issue presented by the authority at the October 6, 2003 Conference.

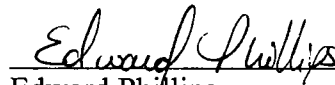
On November 21, 2003, after the briefing period had expired, AT&T Communications of the South Central States, LLC ("AT&T") petitioned to intervene. At the November 24, 2003 Authority Conference, the tariff was suspended for an additional twenty-one days to allow the legal question, its impact on the tariff, and AT&T's petition to intervene to be considered by the Directors at the December 15, 2003 Conference.

At the December 15, 2003 Authority Conference, the Directors voted unanimously to provide an additional two weeks for the parties to discuss a way in which the tariff could be modified. From the transcript of the deliberations, there is no clear indication of a vote denying the tariff. This reading is consistent with the actions taken by UTSE to withdraw the tariff from further consideration.

III. Conclusion

WHEREFORE, based upon the foregoing, UTSE respectfully requests that the Authority issue an order clarifying its Order of January 10, 2005 and simply grant UTSE's withdrawal of Tariff No. 2003-710 and thereby close the docket. The relief requested by UTSE will not act to harm or prejudice the rights of any of the parties to this docket, and UTSE believes that its request is consistent with the vote of the Directors recorder in the transcript of the December 15, 2003 Authority Conference.

Respectfully submitted this 20th day of January, 2005.

A handwritten signature in cursive script, reading "Edward Phillips", is positioned above a horizontal line.

Edward Phillips

Attorney

United Telephone-Southeast, Inc.

Mailstop: NCWKFR0313

14111 Capital Boulevard

Wake Forest, North Carolina 27587-5900

Telephone: 919-554-7870

FAX: 919-554-7913

Email: edward.phillips@mail.sprint.com

Tennessee B.P.R. No. 016850